

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ALI RAZAK, KENAN SABANI, and
KHALDOUN CHERDOUD,

Plaintiffs,

v.

UBER TECHNOLOGIES, INC. and
GEGEN LLC,

Defendants.

Case No. 2:16-cv-00573-MMB

Judge Michael M. Baylson

**PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANTS' TRIAL BRIEF
REGARDING COURT'S STATEMENT OF THE CASE DURING JURY SELECTION**

Plaintiffs Ali Razak, Kenan Sabani, and Khaldoun Cherdoud submit this response in opposition to Defendants Uber Technologies, Inc. and Gegen LLC's trial brief regarding the Court's statement of the case during jury selection, ECF No. 321.

Uber's trial brief asks this Court to summarize the case in a manner that prejudices Plaintiffs. For instance, Uber wants the Court to refer to it as "a company that created a smartphone application that connects drivers and people who want rides." But the nature of Uber's business is disputed, with Plaintiffs contending that Uber was a transportation company that employed black car drivers. Similarly, Uber would have this Court describe Plaintiffs as having "utilized," rather than worked for, UberBLACK.

Rather than adopt Uber's self-serving narrative, the Court should simply provide the same statement of the case as before:

Okay. Now, ladies and gentlemen, I'm going to just give you a very brief summary of what this case is about, because I think it relates to some of the questions I'm going to be asking you about your being able to serve on the jury.

So the plaintiffs. The plaintiffs are the party who initiate the lawsuit. And as you probably know, our courts are open. Any individual is allowed to bring a lawsuit in the United States and including in this Court. And there's a filing fee usually, but if people can't afford the filing fee, they're allowed to file a case without a filing fee.

And the purpose of a trial is for the plaintiffs to be able to prove their case, to present facts and witnesses from the witness stand to prove their case is right. And the defense is here to defend against the case, because the defense is that they are not liable to the plaintiffs. So that's why we're having a jury to decide this issue.

Now, the plaintiffs assert that they are Uber Black drivers. Uber, as you may know, is a ridesharing company that was started after the internet and cell phones were developed to allow people who want to get a -- who need a ride. This is a function that was formerly served by taxicabs. Some of you may have used Uber, or some of you may not have used Uber. I'm going to ask a question about that in a little bit.

But the way Uber functions, according to the allegations, is that if an individual wants to -- and Uber is probably the biggest ridesharing company. There's another one called Lyft, L-Y-F-T, that some of you may have heard about. And I believe there are some others. But this case is against Uber, so we're really going to focus just on Uber.

So the way Uber works is that if a individual needs a ride, and they want to get a ride from Uber, they have an application on their cell phone. I assume most of you have cell phones or use them or know about them. And you can -- you have an app store on your phone, and you can download apps, and one of the apps you can download is from Uber.

And if you want a ride from Uber, then you click on the app, and the app knows where you are located, where you're using the cell phone, and the app will find a Uber driver near you, or in most cases, can find an Uber driver near you, particularly in the City.

Now, I said before, this case is being brought by individuals who are Uber Black drivers. As I understand, Uber Black is a more luxurious or larger vehicle than an ordinary Uber, which is referred to as UberX. I believe, when you go on the app, when you download the app and you click on the app, sometimes you may get a choice between getting an UberX or Uber Black. Okay? So these drivers contend they are Uber Black drivers.

Now, they have brought this lawsuit because they believe that they are employees of Uber and are not getting benefits that are due to them as employees. Uber asserts that they are not employees. They are what Uber calls independent contractors. An independent contractor is basically someone who is self-employed. That is, they have their own business. It could be a carpenter. It could be someone who's in the building business or owns a store or anything like that. But they're self-employed. They don't work for another -- an employee is someone who works for another company.

(March 4, 2024, Jury Selection, Trial Trans. 8:1–10:9).

Dated: June 9, 2024

Respectfully submitted,

s/ Shannon Liss-Riordan
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CERTIFICATE OF SERVICE

I, Shannon Liss-Riordan, certify that on June 9, 2024, a true and accurate copy of the foregoing document was served on counsel for Defendants by filing on the Court's CM/ECF system.

s/ Shannon Liss-Riordan
Shannon Liss-Riordan